

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12340 of 2022

Arising Out of PS. Case No.-212 Year-2019 Thana- BHAGWANPUR District- Vaishali

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DAMODAR RAI Son of Raghunandan Rai @ Raghunandan Ray Resident of
Village - Manua , P.s.- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra,Adv

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 392 of the IPC.

The informant alleged that while he was returning from Gaya to Muzaffarpur on a bullet motorcycle bearing registration no.BR06BB-0970, some miscreants signaled to stop and thereafter all the accused persons started assaulting the informant and Bijay Mandal, who was accompanying him and the accused persons snatched motorcycle and other articles from the informant.



Earlier, the prayer for bail of the petitioner was rejected vide order dated 25.02.2021 in Cr. Misc. No.34427 of 2020. Thereafter, the petitioner again moved for bail, the same was permitted to withdraw with liberty to renew his prayer for bail before the learned court below bringing on record the fact of the present stage of the trial.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. In fact the petitioner is not named in the FIR. Name of the petitioner has been transpired on the basis of the disclosure made by co-accused, namely, Raja Kumar. He further submits that one Bullet Motorcycle has been recovered from near the house of the petitioner and for that another case i.e. Lalganj P.S.Case No. 332 of 2019 was instituted. He further submits that the similarly situated several co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-4 series and the petitioner is in custody since 12.05.2020.

Vide order dated 09.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the case is pending for prosecution evidence and till date the prosecution has not examined any witness.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhagwanpur P.S. Case No.212 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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